

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5976 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHIKHABHAI RAJSIBHAI KARGATHIA & OTHERS

Versus

SECRETARY PANCHAYAT & HOUSING URBAN DEVELOPMENT &
GRAM PANCHAYAT, MADHAVPUR (GHED)

Appearance:

MR ND NANAVATI for Petitioners
MR SAMIR DAVE for Respondent No. 1
None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/12/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The grievance of the petitioners is that though they are working on different posts for last many years, but the respondent no.2 is only paying them the consolidated salary. It has next been contended that the petitioners are the servants of the Gram Panchayat and as such, they should have been treated to be the Government servants

and they should have been given the pay and other benefits which are being given to the Government employees holding the similar posts.

2. On the other hand, the counsel for the respondent no.1 contends that he has no instruction in the matter.

3. I have given my thoughtful consideration to the submissions made by the learned counsel for the petitioners. None of the respondents have filed reply to this Special Civil Application and as such the averments made therein stands uncontroverted. From the document annexure 'A' filed by the petitioners, it comes out that some of the petitioners have entered in the services of the Panchayat in the year 1959-60 and by now they would have been retired. No explanation put forth by the respondent no.2 to continue the petitioners on consolidated salary, but at the same time, I do not consider it appropriate and proper to decide this matter at this stage when the respondents have chosen not to file the reply to this Special Civil Application. It is rather in the interest of justice that this matter may be sent to the respondent no.1 to decide the same and to pass appropriate orders after hearing the petitioners.

4. In the result, this Special Civil Application is disposed of with the directions to respondent no.1 to treat this Special Civil Application as a representation by the petitioners to it regarding the grievances made therein. The petitioners will send a copy of this Special Civil Application alongwith the enclosures to the respondent no.1 by registered post within a period of one month from today and the respondent no.1 shall decide the matter within a period of three months from the date of receipt thereof. In case the grievance of the petitioners and the prayer made in this Special Civil Application are not acceptable by the respondent no.1 then it is expected of the respondent no.1 to pass a reasoned order and copy of which may be sent to the petitioners by registered post. On the other hand, where the respondent no.1 finds merit in the grievance and prayer of the petitioners then the petitioners shall be entitled for all the consequential benefits which follows therefrom from the date of filing of this Special Civil Application before this court i.e. from 25th August, 1983. Rule stands disposed of in the aforesaid terms with no order as to costs.

zgs/-